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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Policies and Rules Implementing	)	CC Docket No. 93-22
the Telephone Disclosure and Dispute	)	RM-7990
Resolution Act	)	

REPLY COMMENTS OF AMERITECH

Ameritech [1] submits these reply comments in response to the

compliance with Title II or III of the [Act] or the regulations." It does not require carriers to act more broadly as enforcers of other laws and regulations -- e.g., whether legal information passed via a pay-per-call service might constitute the practice of law without a license in a particular state.

Moreover, the carrier is obligated to act only if it "knows or reasonably should know" that the service is not provided in compliance with the TDDRA or associated regulations. In other words, the Act does not require carriers to be proactive in their investigations to root out violations before any evidence has been presented.

There are good public policy reasons for "conservatism" in this area. Carrier "activism" in the area of content based regulation should be discouraged because it is contrary to the historic common carrier role of nondiscriminatory service provision. The Commission should, therefore, narrowly fashion any regulation that would require a carrier not to act with impartiality with respect to the contents of the communications it carries.[4]

II. ADDITIONAL INFORMATION ON TELEPHONE BILLS.

Two parties in particular have asked the Commission to greatly increase the amount of information contained on telephone bills that include charges for pay-per-call services. The NACAA asks the Commission to require that the advertised name, legal name, and complete street address of the pay-per-call service provider be included on the telephone bill. In addition, NACAA would also include a notice that service cannot be terminated or interrupted for failure

[4] In any event, it is important to reiterate, as the Commission noted in the NPRM at ¶ 5, that local exchange carriers ("LECs") have no direct relationship with information providers ("IPs") that produce interstate pay-per-call programs and that, therefore, if any service is to be terminated to interstate pay-per-call program providers, it must, of necessity, be done by the interexchange carrier providing service directly to that IP or its service bureau.

to pay pay-per-call charges.[5] Consumer Action would have included on the bottom of all pages containing 900 charges a statement noting the customer's right to complain, the name and address of the FCC and how state utility commissions might be contacted, information on the availability of blocking, information on refunds, and information to the effect that the customer's service cannot be shut off for non-payment of pay-per-call charges.

"billing rights" statement. Any additional disclosures that would tend to make telephone bills more complicated from the customer's viewpoint should be avoided.

III. REFUNDS.

The Commission's proposed rules require that any carrier providing billing and collection services to a provider of pay-per-call services forgive charges or issue refunds under certain circumstances when a pay-per-call program has been offered in violation of federal law or regulations related to the TDDRA.[6] MCI states that this rule should apply only "to carriers that are the billing entity for a pay-per-call program."[7] If, by its comments, MCI would have this regulation apply solely to the LECs -- who have no direct relationship with interstate pay-per-call service providers, Ameritech would disagree. In this

As Southwestern Bell and Bell Atlantic point out, it may be appropriate that consumers who complain that a particular pay-per-call service is being offered in violation of the law should not have to pay for that service. However, for any refunds or credits beyond those to individual complaining customers, a determination by a court or by the FCC or FTC that a program is in violation of the law should be required. In other words, no obligation to effect broad scale refunds should be imposed on any carriers in the absence of an actual determination that a violation of law or applicable regulation has occurred.

With respect to refunds in cases involving potential violations of other laws, again no refunds should be required unless there is an adjudication determining an actual violation. The Commission's rules should not put carriers at risk of being whipsawed by making refunds first and later having the IP successfully recover the funds with a determination that no violation existed.

IV. DEFAULT BLOCKING.

The NACAA has requested that the Commission impose default blocking -- i.e., that carriers be required to block access to pay-per-call services unless consumers affirmatively request access to them.[8] Ameritech requests the Commission not to grant this request -- especially in the case of Ameritech which has offered its customers free blocking for over five years now. The problem that is addressed by blocking, either elective or default, is primarily the problem of unauthorized access by minors to pay-per-call services -- either adult oriented services or other services for which children might run up large charges. For the last five years, Ameritech has been offering all of its customers -- on a one time basis -- the election of a 900/976 blocking option. For the most part, all

[8] NACAA at 8.

customers who believe that access to 900 and 976 services from their phones is a problem have already elected the blocking option.

Mandating a default blocking mechanism would only cause additional confusion and cost -- confusion among those customers who have not chosen any blocking mechanism at all and who wish to continue to access pay-per-call services, and cost in the form of the LECs' efforts to deal with the confusion via pre-implementation advertising and post-implementation inquiry. In addition, software changes would be needed to implement blocking on a default basis.

The NACAA has brought forth no evidence to show that the optional blocking mechanism in this context has been inadequate in protecting consumers' interests. Certainly, Ameritech has received no complaints showing any such evidence. Therefore, Ameritech requests the Commission to dismiss the request.

V. MANDATORY BLOCKING.

As the Commission noted, the TDDRA indicates Congress's concern over customers who might knowingly use pay-per-call services and yet hide behind the Act's protections to avoid paying legitimate charges. The Commission has proposed to indicate that none of its rules precludes a common carrier or information provider from blocking or ordering the blocking of their pay-per-call programs from those numbers associated with subscribers who have refused to pay legitimate charges.[9] As SNET points out, an involuntary blocking procedure could constitute appropriate protection for carriers and legitimate information providers against abuse by "deadbeat" customers who continue to make calls while refusing to pay legitimate charges.[10]

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[9] NPRM at ¶ 40.

[10] SNET at 6.

The Commission, however, should not grant Sprint's request to require the LECs to tariff an involuntary blocking offering "free of charge."[11] Ultimately, the decision as to whether to offer the service must rest with the LEC based on its assessment of the expenses associated with the service and the potential demand for the service. Moreover, any LEC offering such involuntary blocking service to an interexchange carrier must be entitled to recoup the costs of providing that service. There is no policy reason that would require that such a service be offered for free.

VI. CONCLUSION.

In summary, the Commission should be mindful of the fact that LECs have no direct relationship with IPs providing interstate pay-per-call services

CERTIFICATE OF SERVICE

I, Jenell Thompson, do hereby certify that copies of the foregoing pleading has been served to all parties on the attached service list by first class mail, postage prepaid, on this 4th day of May, 1993.

By: Jenell Thompson
Jenell Thompson